

REMARKS

By this paper, Applicant has amended claims 36 through 46. Applicant has not added any claims. This amendment contains no new matter. Entry of this amendment is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46

The Examiner has rejected all of the remaining claims except 47, under 35 USC § 103 as being unpatentable over Mueller, U.S. Patent No. 5,706,626 ("Mueller") in combination with various references.

Mueller discloses a metal shear-resisting assembly assembled with screws. Applicants have amended all of the independent claims to call for a wood shear-resisting assembly assembled with nails. No new matter is added by these changes. See the specification at page 5, line 30 and page 6, line 33. The Horowitz reference does not describe the claimed shear-resisting assembly disposed within a wall made from wood and nails. The Yoshiyuki reference also does not teach the use of fasteners that are nails.

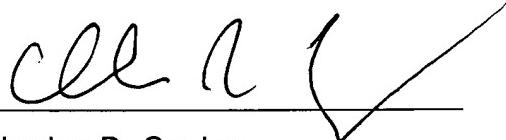
Allowable Subject Matter

The Applicant would like to thank the Examiner for allowing claim 47.

Conclusion

Applicant believes the claims are currently in condition for allowance and respectfully requests the same. Please direct any calls in connection with this application to the undersigned at (510) 832-4111.

Respectfully submitted,



Charles R. Cypher
Law Offices of James R. Cypher
405 14th Street
Suite 1607
Oakland, CA 94612

Date: September 28, 2008

Reg. No.: 41,694
Tel. No.: 510-832-4111
Fax No.: 510-832-4115
Customer No.: 498

Enclosures: Credit Card Authorization Form (1 page)
Return Receipt Post Card.